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Senate Bill _____
By _____

House No. HB0602
By Herron

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2, and Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the forfeiture of certain vehicles used by a person in the commission of the offense of driving under the influence of an intoxicant and relative to the procedure for forfeiting such vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (k) in its entirety and substituting instead the following:

(k)(1) The vehicle used in the commission of a person's third or subsequent violation of Tennessee Code Annotated, Section 55-10-401, or the third or subsequent violation of any combination of Tennessee Code Annotated, Section 55-10-401, and a statute in any other state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture in accordance with the procedure established in Tennessee Code Annotated, Title 40, Chapter 33, Part 2. The department of safety is designated as the applicable agency, as defined by Tennessee Code Annotated, Section 40-33-202, for all forfeitures authorized by this subsection.

(2) In order for the provisions of subpart (1) of this subsection to be applicable to a vehicle, the violation making the vehicle subject to seizure and forfeiture must occur in Tennessee and at least one (1) of such violations must occur on or after July 1, 1995.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 3. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 4. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection to be designated as (c) and by relettering present subsection (c) accordingly:

(c)(1) Notwithstanding the provisions of subsections (a) and (b) of this section to the contrary, one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-10-403(k), shall be deposited in the state treasury for the exclusive use of the department of safety. The department of safety shall use such revenue to employ additional hearing officers and other personnel required because of such department's designation as the applicable agency for all forfeitures authorized by Tennessee Code Annotated, Section 55-10-403(k).

(2) The remaining one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-10-403(k), shall be distributed as provided in subsections (a) and (b) of this section.

Tennessee Code Annotated, Section 40-33-211, is further amended by deleting the citation "57-3-411" and substituting instead the citations "57-3-411, 57-5-409, 57-9-201".

SECTION 5. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the citations “53-11-451, 57-3-411” and substituting instead the citations “53-11-451, 55-10-403(k), 57-3-411”.

Tennessee Code Annotated, Section 40-33-214, is further amended by deleting the language “§§7-59-109, 39-14-140, 39-14-307, 47-25-1105, 53-11-451, 57-3-411, 57-5-409, 57-9-201, 67-4-1020, 70-3-111, 70-6-202 and 70-8-108” and substituting instead the language “§§39-14-307, 47-25-1105, 53-11-451, 57-3-411, 57-5-409, 57-9-201, 67-4-1020, and 70-6-202”.

SECTION 6. This act shall take effect on July 1, 1995, the public welfare requiring it and shall apply to all applicable violations occurring on or after such date.

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